

RECORD OF PROCEEDINGS

Minutes of the Riverside City Council Meeting

Held on Thursday, February 17, 2022

CALL TO ORDER: Mayor Williams called the Riverside, Ohio City Council Meeting to order at 6:00 p.m. at the Riverside Administrative Offices located at 5200 Springfield Street, Suite 100, Riverside, Ohio, 45431.

ROLL CALL: Council attendance was as follows: Mr. Denning, present; Mrs. Franklin, present; Ms. Fry, present; Mr. Joseph, present; Ms. Lommatzsch, present; Mr. Maxfield, present; and Mayor Williams, present.

Staff present was as follows: Josh Rauch, City Manager; Tom Garrett, Finance Director; Kathy Bartlett, Public Service Director, John Freeman, Associate Law Director; and Katie Lewallen, Clerk of Council.

EXCUSE ABSENT MEMBERS: No council members were absent.

ADDITIONS OR CORRECTIONS TO AGENDA: No additions or corrections were made.

APPROVAL OF AGENDA: Deputy Mayor Denning motioned to approve the agenda. Mr. Joseph seconded the motion. All were in favor. **Motion carried.**

PLEDGE OF ALLEGIANCE/MOMENT OF SILENCE: Mayor Williams led the pledge of allegiance.

FINANCIAL REPORT: Deputy Mayor Denning motioned to accept the financial report. Ms. Fry seconded the motion. All were in favor. **Motion carried.**

LIQUOR LICENSE: Mr. Rauch stated that the proposed liquor license is for a C1 and C2 closed carryout license for Valley Street Market, Inc. The city had no objections to the license. Council did not request a hearing.

WRITTEN CITIZEN PETITIONS: Mayor Williams stated any citizens who joins them and wishes to speak should fill out a petition and turn it in to the clerk. Citizen would be called up in the order of business.

DEPARTMENT UPDATES:

A) Finance Department – Mr. Garrett stated in the financial report that in the income tax chart they fed the target for the month, which was probably to a combination of unusual circumstances and will probably drop back some next month. They have worked the past few weeks on the offerings statement of the road bond and sent each councilmember a copy. The plan is for both the Wright Point and road bond to be priced on February 23, 2022. They are continuing with end of year and getting out tax reporting to the various agencies. He is also dedicating some time to do the routine things of the department as his assistant is off for the week. They are preparing the GAP formatted financial statements. He has an outline of data from the consultant who helps with that; he hasn't had a chance to get anything to him yet, but that is next on their agenda.

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B) Administration Department – Mr. Lohr stated that 70% of staff has completed cyber security training and they have until the end of the month to get it completed. The simulated phishing campaign is complete and 109 messages were sent out with only one person clicking on the link so that is less than 1%. The industry average is around 16% so city staff is well below.

C) City Manager Report/Community Development – Mr. Rauch thanked the Chamber for their efforts with the Circle K grand opening and hope to keep the development trend going. There will be a planned event at the Kroger property later this month with a much larger event upon opening. They continue to work on the PUD and will take a first draft to the planning commission this month with the hope to get it to council within the next couple of months. They continue to score the new financial software system RFPs hoping to have a short list by end of month to scheduled demos on the top vendors. They also are working on the job posting for the finance administrator position. The Table of Organization ordinance authorizing that is on the agenda tonight.

PUBLIC COMMENT ON AGENDA ITEMS: No one was present for comment.

NEW BUSINESS

A. ORDINANCES

- I) Ordinance No. 22-O-790 – An ordinance to make Supplemental Appropriations for current expenses and other expenditures of the City of Riverside, State of Ohio, for the period January 1 through December 21, 2022, and declaring an emergency. (1st & 2nd reading, public hearing, adoption)**

Ms. Lommatzsch motioned to approve the first reading of Ordinance No. 22-O-790. Deputy Mayor Denning seconded the motion. The clerk read the ordinance by title only.

Roll call went as follows: Ms. Lommatzsch, yes; Mr. Denning, yes; Mrs. Franklin, yes; Ms. Fry, yes; Mr. Joseph, yes; Mr. Maxfield, yes; and Mayor Williams, yes. **Motion carried.**

Mayor Williams stated that city council has been requested to approve both the first and second reading and consider final adoption. Ms. Lommatzsch motioned to suspend the rules requiring an ordinance be read on two separate dates. Deputy Mayor Denning seconded the motion.

Roll call went as follows: Ms. Lommatzsch, yes; Mr. Denning, yes; Mrs. Franklin, yes; Ms. Fry, yes; Mr. Joseph, yes; Mr. Maxfield, yes; and Mayor Williams, yes. **Motion carried.**

Deputy Mayor Denning motioned to approve the second reading of Ordinance No. 22-O-790. Mr. Joseph seconded the motion. The clerk read the ordinance by title only.

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Mayor Williams opened the public hearing. No one wished to speak on Ordinance No. 22-O-790. Mayor Williams closed the public hearing at 6:11 pm.

Mr. Joseph clarified that this is for the purchase of the backhoe and the process they are going through is due to the short supply of backhoes and interest rates. Mr. Rauch confirmed that this was to be initially heard on the February 3, 2022, but had to postpone due to weather and with the short supply of backhoes along with interest rates they are trying to be as expedient as possible. Mr. Maxfield stated his understanding is that it would not be worth it to fix the current backhoe. Mr. Rauch stated over time it would not be worth it.

Roll call went as follows: Mr. Denning, yes; Mr. Joseph, yes; Mrs. Franklin, yes; Ms. Fry, yes; Ms. Lommatzsch, yes; Mr. Maxfield, yes; and Mayor Williams, yes. **Motion carried.**

II) Ordinance No. 22-O-791 – An ordinance to approve employee position titles, number of positions and pay ranges and to repeal Ordinance No. 21-O-764 passed May 20, 2021. (1st reading)

Deputy Mayor Denning motioned to approve the first reading of Ordinance No. 22-O-791. Ms. Fry seconded the motion. The clerk read the ordinance by title only.

Roll call went as follows: Mr. Denning, yes; Ms. Fry, yes; Mrs. Franklin, yes; Mr. Joseph, yes; Ms. Lommatzsch, yes; Mr. Maxfield, yes; and Mayor Williams, yes. **Motion carried.**

B. RESOLUTIONS

I) Resolution No. 22-R-2748 – A resolution authorizing the city manager to enter into a contract with Ohio CAT through the Source Well Cooperative Bid Program for one (1) new Caterpillar Model-420 Backhoe for use by the Service Department.

Mr. Rauch stated this is the legislation that allows them to purchase the backhoe.

Ms. Lommatzsch motioned to approve Resolution No. 22-R-2748. Deputy Mayor Denning seconded the motion. All were in favor. **Motion carried.**

II) Resolution No. 22-R-2749 – A resolution by the Council of the City of Riverside, Ohio authorizing the city manager to enter into a lease agreement renewal with Knowledge Based Systems, Inc.

Mr. Rauch stated this is an extension of an older contract they had with the city to lease space in Wright Point. It will be a two-year extension.

Deputy Mayor Denning motioned to approve Resolution No. 22-R-2749. Mrs. Franklin seconded the motion. All were in favor. **Motion carried.**

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PUBLIC COMMENT ON NON-AGENDA ITEMS: No member of the public present.

COUNCIL MEMBER COMMENTS: Mr. Joseph welcomed Circle K to the neighborhood and echoed the city manager's comments.

Mayor Williams invited the public to attend the Mad River Community Summit on Saturday at Mad River Middle School, 10 am – 2 pm. The city along with other community partners will be there. He thanked the local school board for being able to reschedule it. It is a free event sharing valuable community resources.

Ms. Lommatzsch thanked the community partners that keep working and moving forward along with the staff to better the business community. She apologized for not making the ribbon cutting for Circle K due to vehicle issues. She added that the blood mobile will be there on Monday.

Ms. Fry stated the blood mobile will be in the city parking lot from 3 – 7 pm, Monday, February 21, 2022. Walk-ins are welcome, but it is best to try and register at www.donortime.com for appointments. She requested the public to support the Girl Scouts and to try and support them. They won't be at Kroger so it may be harder to find them. To find where to buy cookies visit www.gsw.org and use the cookie finder. It is an important opportunity for young women to learn how to run a business.

Ms. Lommatzsch added that those who register for the blood drive are entered into a chance for four tickets to the final four.

Deputy Mayor Denning welcomed Circle K and thanked the Chamber for putting together the ribbon cutting. He heard on the radio that Circle K gave the city and community a lot of good public relations on how welcoming the community was to them. As small as Riverside is, they had a great turnout with show of support. They need to keep up the good work and do the same for all businesses coming to the area. He stated that he spoke with Airway Shopping Center and shared some ideas on other businesses. Places like Midwest wants to hear ideas and if they have a space to put somebody they will.

Council decided to forego the recess and reconvene and go into work session. Mayor Williams stated it is not common practice to have a work session the same night as a business session, but due to weather issues at the beginning of the month, they do not want to miss opportunities. He thanked the city manager and staff for being accommodating.

WORK SESSION/DISCUSSION ITEMS:

MKSK - Mr. Rauch introduced Mr. Chris Hermann and Mr. Kyle May of MKSK, the consultant the city is working with to develop the land use plan. Mr. Hermann stated they are a planning landscape architecture and urban design firm working in the Midwest. They help cities with comprehensive planning and community engagement transforming place making. He introduced Mr. Kyle May, a senior associate with the firm and project manager. He stated the rest of the consulting team members and their roles. He stated that a

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comprehensive plan is a guiding policy document that allows for them to take stock and develop a clear road map for community growth and investment. It establishes a vision where Riverside wants to go in the next 10 years. It reviews trends, what is anticipated, what are aspirations of the community, what are issues that need resolved, and what opportunities need to be taken advantage of. This allows them to have a community conversation with a chance for everyone to participate and share their ideas. City staff and council can share things they want the community to be aware of. It is a good, robust discussion that will result in an action plan and implementation process. The plan is a roadmap for the city. He stated that they have a steering committee of people with different viewpoints from different areas of the community. They will help guide the process to make sure they are taking the right steps. He reviewed the planning process project scope: 1) reconnaissance and exiting conditions, 2) community engagement, 2) plan recommendations, 4) plan creation, and 5) plan adoption process. He provided the schedule for the process working throughout the year with a draft report by end of year and final report by early 2023.

Mr. May stated they have already had one meeting with the steering committee already. Riverside has a lot of pockets and energy and overall potential. They are working in a regional context and looking at what affects them internally and externally. They also work with MVRPC to look at the city in a broader context. While it may be slow growing, the region is growing whether in Dayton or in Riverside. Unique to Riverside are the military community and the multiplier they provide within the economic system. They are interdependent and interconnected. They are also looking at the housing market with the products they have and what the market is. They have found there is already some good planning work and they have a diverse community not in terms of just race, but also origin. This is a big, wholistic study understanding the local context with populations and households along with economics and the housing market. They are being intentional about reaching the public with an interactive comment map and a brief online survey. He announced the Think Big Riverside comprehensive plan kickoff to launch the community planning effort and gather critical feedback to direct and inform the process. This will take place on Tuesday, March 8, 5:30 – 7:30 pm at Mad River Schools Administrative Offices Gymnasium, 801 Old Harshman Road. Anyone who cares about the future of Riverside is invited to attend and can register at <https://www.riversideoh.gov/land-use-plan/>. He stated they rely on community partners for events like these to be successful. They take two paths: publicity and outreach. They will craft some messages for the community as to why they ought to be involved using traditional methods and social networks. The outreach will be through civic groups and connections. He reviewed the next steps: detailed reporting on conditions and trends in Riverside; prepare, promote, facilitate, and document public kickoff meeting on March 8; begin to develop vision and guiding principles for the plan; and reconvene in the spring with the steering committee.

Mayor Williams asked if the conditions and trends report be available to council prior to the March 8 meeting. Mr. May stated they plan to share some high-level key nuggets from that meeting, but want to spend most of the time listening at the meeting. Following that meeting they will create a pdf version of the meeting and post it online. Mayor Williams asked what report would be provided prior to the meeting or will it be a report after the March 8 meeting. Mr. May replied after the meeting they want to report on key conditions and trends from

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their technical analysis and couple that with the engagement sessions they have held throughout round one.

Ms. Fry asked if they would be creating Facebook or NextDoor events and advertising or would the city be doing that. Mr. May stated it would be both/and. They have a great steering committee that is connected and relying on partners to help spread that word. They will create events and are asking folks to register so they have an idea of how many people will be in the room. Some people may not be comfortable being out in public, yet; and some may not be available that evening so they are planning some virtual meetings.

Mr. Rauch stated there is information already on the website. Discussion was held on the event advertisement and various avenues to share it. Mr. Rauch stated their intention is to get this out as far and deep as possible. They will lean on other folks in the community to help get this promoted. Mr. May added they have a hundred fliers with them today. Deputy Mayor Denning suggested using those for Saturday at the school summit meeting. Discussion was held on having a mailer. Mr. May stated there will have three rounds of engagement. He hopes they grow the pool as they go. Mr. Rauch stated they are all willing to be flexible and try advertising across the board. Where they get a lot of response they will continue and in areas with less, they will try another avenue. Mr. Maxfield suggested the March 2 Mad River Schools spaghetti dinner as over 1,000 people attend and it may be a good way to get that information out there.

CITY STRATEGIC PLAN – Mr. Rauch stated while working with MKSK on the comprehensive plan they will get a lot of value out of that process not only from community input, but on trends and other elements. This fits in with the land use plan and comprehensive plan and what residents want to see in the community. This is a critical aspect of the planning process to make sure they are all attracting and retaining the kind of development they want in Riverside. There is a linkage to a broader strategic plan. Once they start to get the data and finding, he would like to take that and hire a facilitator to have the council and an organization develop a strategic plan for the city. This will help them to prioritize the things that are most important to council for staff to focus on and prioritize time, effort, and resources. He would like to pursue this over the next couple of months and then carry that forward into operations and the budget.

COUNCIL ORIENTATION – Mr. Rauch stated the plan is to have an orientation event on a Saturday in April. He suggested an early meet for about 30 minutes then go out and tour the city, city buildings, neighborhoods, etc...He developed an agenda for the event: introductions, logistics, council governance, city government structure, and tour. He briefly reviewed each of the topics on the agenda. He asked if there was any information they would like to see covered or things that need to be removed. Mr. Joseph stated this would occur after the OML Seminar and some of that may overlap with what he wants to present. Mayor Williams asked if they could adjust the April meeting as they will all be hearing the same seminar in March. Ms. Franklin stated that this should be more on how they work here than the few things they will learn at the OML Seminar. Ms. Fry stated she would like to see how they could put a resolution on an agenda if it does not come from staff and how that is done. Mr. Maxfield added they may also want to put some Budget 101 on it as well. Mr. Joseph

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stated it would help to better understand accounts and how to better read those so the finance report makes a little more sense.

FIREWORKS – Mr. Rauch stated that the city does not have its own fireworks ordinance. It is in one part of the code Section 933.12 that says a person cannot go into a park and shoot off fireworks. Other than that, they go to the state law. The state law will change and they are now permitting consumer grade fireworks. He asked if they were okay with following the state guidelines then they do not need to do anything. If council prefers a policy decision and keep a stricter ordinance in place that is what he needs feedback on so he and the chief can work together on how that looks and how it can be enforced. Mr. Maxfield stated the state law is there for a purpose. Mr. Joseph mentioned various abilities cities had in terms of a fireworks ordinance and what they can do. He stated that the city has a noise ordinance and cited a section of that code. He stated that if they didn't do anything about that, then a resident could yell, shout, hoot, whistle, but it precludes fireworks should someone light one at 3:00 am. Mayor Williams stated that the code he is reciting is in the public right of way, he did not think it was private property, but that the noise ordinance does cover a certain decimal level going outside of your property line. He stated they have a lot of valid conversation about enforcement of ordinances, but what he wanted today was whether council feels strongly enough about the fireworks in particular to create an ordinance. Discussion continued on the current noise ordinance and the time limits. Mrs. Franklin stated she doesn't have an issue one way or another on the fireworks ban, but if they can't enforce the ordinances they already have on the books, creating this isn't helping the situation. They are able to enforce it, the question is why, manpower or something else? Mr. Maxfield stated that he and the fire chief have a lot more things to worry about and work on than banning fireworks. Mr. Joseph stated he disagreed, and this was the time to do it. Every other city is having to deal with this change and it should not take long to hash out. Mrs. Franklin mentioned that the state law laws for a number of days and asked if the city would enforce it outside of that. If they let the state law stand and make no changes, the city is still not enforcing it outside of those days. That is a bigger issue to discuss. If they are going to look at an ordinance now is the time. Ms. Fry stated that she recalled when the fireworks ordinance originally got put on the books as children were getting hurt and that was a concern of hers. She is interested in an ordinance that relates to the proximity to children. She agrees with Mrs. Franklin in that there is no point in the ordinance if they aren't going to enforce it. Mr. Joseph agreed; he added that there is no way on the Fourth of July at 10 pm they could enforce this. They would need the Ohio National Guard. His issue comes if on one of the 21 days a resident is trying to sleep, possibly a veteran with PTSD, and someone shoots off fireworks at 3 am. He asked if he was wrong in thinking that he could set up or rig fireworks to go off at his house every five minutes from midnight to 6:00 am based on the current noise ordinance. Mayor Williams stated that was not the case. Mr. Maxfield stated that it is the same if someone play loud music and you hear it from your property, a resident can call the police. Discussion continued about the noise ordinance. Mayor Williams stated it is already in place. He stated he would like to hear from the chiefs or even a dispatch report on the number of calls they get regarding the noise ordinance. Is it something they are unable to adequately enforce under the way it is written? He wants to know it is a problem on a scale should they need to take a deeper dive. Ms. Lommatzsch stated that police do respond when it is reported, but often when things happen by response time the sound is over. Mrs. Franklin

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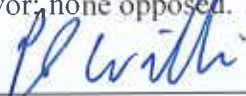
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stated they recently had the situation at an establishment with loud music outside and drinking outside and they can't do anything about it. It is not an answer for her. How will they move forward; every time they let those things slip, a small percentage break the rules and are affecting the community. The larger community needs to have the ability to see change happen. Ms. Lommatzsch stated they are doing something about it through nuisance abatement. She will back staff when they are doing something about it. They can't enforce what they don't know. Deputy Mayor Denning stated they have the tool in the toolbelt, already. They don't need to waste staff time to give them a bigger hammer. When people call and complain they can enforce it. He added that after the first year if there is a bigger issue than in the past they may need to step forward and make changes. To rewrite stuff before seeing if there is a bigger problem is a waste of time. Discussion continued on loud noises like mufflers and other situations where the sound goes away.

Mr. Joseph asked the attorney to make sure there is no ambiguity in the codified ordinance that if an officer received a call that he couldn't issue a civil citation to somebody have a his or her discretion for violating the noise ordinance past whatever time is in there. Deputy Mayor Denning stated they can call at any time if they are violating a noise ordinance. Mr. Maxfield stated generally, they would get a visit and told to turn the noise down, but should a second call come, there will be a notice of violation. Mrs. Franklin stated she would like to see the numbers for that, where is the consequence and how are the numbers for that. If there were 1,000 violations for some law and out of the 1,000 there is only a warning, then that is a problem. People will continue to break the rules because they know they are only going to get a slap on the hand. Mr. Joseph stated that he doesn't want to see someone who continually shoots off fireworks and someone across the street gets mad and the city can't do anything so he takes the law into his own hands. He discussed information sharing on being a good neighbor. Mayor Williams stated it is the same as running a light; they can only hope that members of the community behave responsibly and obey the traffic control device. He agreed with Mr. Joseph on putting out information on being a good neighbor and to notify the public they have the ability to take corrective actions. Mr. Rauch stated he would get with the chiefs and pull call records. They can review the types of nuisance activities they are experiencing and bring it to a work session and discuss actions. He stated they have a challenge as they can enforce and do enforce and sometimes it is a verbal warning and then a citation and sometimes if it is egregious it is just a citation. The officers determine what type of corrective action to take. They can have a conversation based on their practices. If they feel additional ordinances are warranted, they can work on that. Ms. Lommatzsch brought up that they have to also weigh the cost of taking officers off the road and then having to go to court. They need to be cautious of personal rights as well. Mrs. Franklin stated she wants to see the data if they need to make a change. Mr. Maxfield stated they need to keep in mind they are often short two to three officers. Mr. Joseph stated is as a city with their resources they say the guidelines for Ohio and these are the rules, be a good neighbor.

ADJOURNMENT: Mr. Maxfield motioned to adjourn. Mr. Joseph seconded. All were in favor; none opposed. The meeting adjourned at 7:25 pm.


Peter J. Williams, Mayor


Clerk of Council